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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,199

02/22/2007

Eric Thelen

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03/23/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SING, SIMON P

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

03/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,199	Applicant(s) THELEN ET AL.	
	Examiner SIMON SING	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Pickover et al. US Patent Publication 2002/0162106.

Pickover teaches capturing (by inherency) and analyzing audio and video information a user received, and presenting (inherently comprises matching the captured audio video information to stored audio and video information in a database) an advertisement based on the analyzing (para. 0007, 0009 and 0011).

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. US 7,299,405.

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2.1 Regarding claims 1 and 11, Lee discloses a method and system for information management in figure 1, comprising:

acquisition means (camera 210 and microphone 218) for acquiring video and data (figure 2; column 5, lines 6-7; column 6, lines 30-31);

database means 160 for store sets of situational information and messaging information (column 3, lines 44-46, 53-57; column 4, lines 31-40, 66-67; column 5, lines 1, 36-43; column 6, lines 30-31, 41-43, 54-67; column 7, lines 1-7);

processing means (data processing 120) for processing said video and audio data (column 3, lines 35-52), said processing means being configured match said video and audio data to one of said sets of situational information, and for selecting and/configuring messaging information according to said matched situational information (column 6, lines 54-67; column 7, lines 1-7, 66-67; column 1, line 1; column 16, lines 29-45); and

presentation means 216 for presenting the selected or configured messaging information (column 6, lines 4-6, 15-20; column 12, lines 35-40; column 16, lines 44-45; column 17, lines 18-33).

2.2 Regarding claims 2 and 12, Lee teaches that the database means 160 stores sets of situational information as references and storing messaging information(column 3, lines 53-57; column 6, line 58 to column 7, line 7).

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2.3 Regarding claim 3, Lee teaches that the acquisition means (part of capture means 110) are connected to the database means 160 in figures 1 and 2, and the database means 160 inherently is part of a computer or server.

2.4 Regarding claim 4, Lee teaches that the acquisition means and the presentation means are part of the capture means 110 in figure 1, and the capture means 110 is connected to the database means 160 which inherently is part of a computer or server.

2.5 Regarding claim 5, Lee teaches voice recognition (column 7, lines 15-18).

2.6 Regarding claim 6, Lee teaches keywords (column 7, lines 15-25).

2.7 Regarding claim 7, Lee teaches identifying attendees of a meeting (column 2, lines 56-57; column 4, lines 57-58; column 5, lines 56-62; column 10, lines 30-33).

2.8 Regarding claim 8, Lee teaches identifying an attendee based on a profile (column 10, lines 10-33).

2.9 Regarding claim 9, Lee teaches object recognition (column 6, line 63 to column 7, line 2).

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2.10 Regarding claim 10, Lee teaches objection information (column 6, line 63 to column 7, line 2).

Response to Arguments

3. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Hjelsvold et al. US 6,546,555.
- b) Ozer et al. US 6,708,335.
- c) Swix et al. US 6,718,551
- d) Cohen-Solal et al. US 6,873,710.
- e) Barrett et al. US 7,117,439.
- f) Wang et al. US 7,197,544.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

/Simon Sing/

Examiner, Art Unit 2614

03/19/2009